

Appl. No. : 10/596,803
Filed : June 23, 2006

REMARKS

In response to the Restriction Requirement of October 13, 2009, Applicants have amended claims 1, 2, 4, 6-7, 9, 10-11, 59, 62, and 72, have added new claim 89, have withdrawn claims 2, 4, 10, and 73 from consideration, and have cancelled claims 3, 8, 13-40, 42-44, 46, 49, 52, 54, 57, 60-61, 64, 66, 69, 75, 78, 81-82, and 85, without prejudice to or disclaimer of the subject matter contained therein. Therefore, claims 1, 2, 4-7, 9-11, 12, 41, 59, 62, 65, 72-74, and 89 remain pending, with claims 2, 4, 10, and 73 being withdrawn.

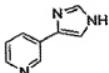
Support for the amendments to claims 6 and 7 is found throughout the specification, specifically in the recitation of various disclosed imidazole compounds. Support for the new claim is found throughout the specification, for example at Table 1, pages 41-52.

Applicants Election

Applicants hereby elect, without traverse, the invention of Group III, directed to the compounds where the A-B ring is pyridine and the C-F ring is imidazole. Applicants have cancelled the claims directed to the non-elected subject matter. Applicants make no admission as to the patentability of the cancelled subject matter, and submit that the cancellation of the claims is solely in response to the requirement set forth in the Office Action of October 13, 2009. Applicants reserve the right to pursue the cancelled subject matter in a divisional application.

Selection of Species

Applicants hereby select the species 3-(1H-imidazol-4-yl)-pyridine, having the structure:



This compound is disclosed throughout the specification, for example at Table 1, page 43.

Applicants submit that all of the pending claims, except claims 2, 4, 10, and 73, read on the elected species. Applicants have withdrawn the claims not reading on the elected species from consideration. Applicants respectfully request that the withdrawn claims be examined once the claims directed to the elected species are found to be patentable.

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No fee is believed due with respect to this response. If this is incorrect, please charge any required fees, including any fees for extension of time, to Deposit Account No. 50-4536. Applicants invite the Examiner to call the undersigned if any issue can be resolved through a telephonic discussion.

Respectfully submitted,

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Dated: November 13, 2009

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